

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ROBERT CAMPBELL,

Plaintiff,

v.

FNU PONSEI, et al.,

Defendants.

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CIVIL ACTION NO. 6:19-CV-00071-RWS

ORDER

Plaintiff Robert Campbell, a prisoner confined at the Michael Unit within the Texas Department of Criminal Justice proceeding *pro se*, filed this civil rights action through a motion for emergency placement into safekeeping. The case was referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Plaintiff filed a motion to voluntarily dismiss his case. Docket No. 10. Judge Mitchell issued a Report (Docket No. 11), recommending the motion be granted and that Plaintiff's case should be dismissed without prejudice. A copy of the Magistrate Judge's Report was sent to Plaintiff at his last known address; return receipt requested.

To date, no objections to the Report have been received. Plaintiff has not communicated with the Court since he filed his motion to voluntary dismiss his case and has not filed a notice of a change of address. Because Plaintiff failed to file objections to Judge Mitchell's Report, he is not entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations and, except upon grounds of plain error, he is barred from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the

district court. 28 U.S.C. § 636(b)(1)(C); *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).


Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and agrees with the report of the Magistrate Judge. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants. . . .’”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). Upon such review, the court has determined that the Report of the Magistrate Judge is correct. Accordingly, it is

ORDERED the Report of the Magistrate Judge (Docket No. 11), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** on Plaintiff’s own motion. Finally, it is

ORDERED that any and all motions that may be pending in this cause of action are hereby **DENIED AS MOOT**.

So ORDERED and SIGNED this 18th day of September, 2019.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE